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★ 35¢ DAILY/\$1 SUNDAY

UPDATE

Amendment 2 in limbo until court challenge

Smiley N. Pool/Gazette Telegraph



Opponents of Amendment 2 celebrate in the hallway of the Denver City and County Building on Friday after Judge Jeff Bayless'

decision to grant an injunction postponing the implementation of the controversial measure.

Hearing on measure's constitutionality next

By Louis Aguiar/Gazette Telegraph

DENVER — Opponents of Amendment 2 persuaded a Denver judge on Friday to put the law on hold until a court decides whether it promotes discrimination against gays.

Denver District Judge Jeff Bayless issued a temporary injunction that prevents the measure from taking effect, saying the amendment may well be unconstitutional.

Amendment 2 was to have become part of the Colorado Constitution on Friday.

The homosexual community viewed the ruling as a victory, saying it drove a wedge into bigotry and misinformation that has punctuated the debate over gay rights. But supporters — and even some gay activists — downplayed the importance of the injunction. They noted that the ruling was only the first round in what is sure to be a long and emotional legal battle.

Opponents of Amendment 2 wanted an injunction until Bayless decides a full-blown constitutional challenge to the law — a case that probably won't be heard until this summer at the earliest. Both sides said they are willing to take the issue to the U.S. Supreme Court if necessary.

Within two hours of the ruling, Gov. Roy Romer and state Attorney General Gale Norton said they will immediately ap-

peal the injunction ruling to the Colorado Supreme Court, which may or may not take up the issue. Romer said the appeal, in part, will help the state define what legal questions it will face in the trial over the amendment's constitutionality.

"Judge Bayless has set out a fairly definitive standard, and we need a higher court to confirm or deny that standard," Romer said in a written response to the ruling.

Amendment 2, authored by Colorado Springs-based Colorado for Family Values and approved by voters in November, prohibits laws that protect gays, lesbians and bisexuals from discrimination based on their sexual orientation. It also would have overturned gay-protection laws in Denver, Aspen and Boulder.

Bayless, who cited legal opinions extensively in his 50-minute statement from the bench, included a point-by-point discussion of the factors that determine whether a preliminary injunction should be issued.

See AMENDMENT 2/A3

WE WANT YOUR OPINION

What do you think about the judge's order putting Amendment 2 on hold until a court challenge is heard? Call 636-0156 today before 1 p.m. You'll have one minute to record your answer. Please leave your name and a number where you can be reached this afternoon and evening. Some of your comments will be included in a report in the Sunday edition.

INSIDE

■ Judge's ruling has emotions running high/A3

■ Isaac won't ask mayors to reconsider convention site/B1

REACTIONS

"I don't think the ruling on this injunction has any bearing on whether (the law) is unconstitutional or not. A judge who doesn't rule (that) something is a possibility is ruling himself out of a job."

— Will Perkins, chairman of Colorado for Family Values



"I think the judge said it very well. This is a constitutional democracy so the people's vote is very important, but it has to be in the context of the Constitution and that's what is being tested here."

— Boulder Mayor Leslie Durgin, whose city has an ordinance protecting gays from discrimination

"It's wonderful to be a lesbian today. It's good to be a lesbian most of the time, but it's wonderful to have the support of the justice system. I feel fantastic. I think a lot of education — the truth — about gay and lesbian people took place as part of the hearing."

— Pat Hewitt of Colorado Springs

DIGEST

COMING SUNDAY

Associated Press



CIVIL RIGHTS

Twenty-five years after the assassination of Martin Luther King Jr., his message marches on

In the lives of many Pikes Peak area residents. His words still ring with strength and clarity.

LIFESTYLE: They like broccoli. He's habitually late for appointments. She's "the overbearing yuppie wife from hell," to some. And their daughter is an adolescent. But don't give up on them yet. Here come the Clintons.

BUSINESS: Real estate observers say it will be decades before the 22,250-acre Banning-Lewis Ranch will be completely developed. But the latest buyer poised to take it over is described as "patient money."

NATION

► **ASTRONAUTS GIVE TOY DEMONSTRATION:** Astronauts aboard the space shuttle Endeavour entertained some elementary school students by giving a toy demonstration from space./A5

OPINION

► **'PUBLIC SERVICE':** Like so many other mushy crusades with undefined buzzwords and lofty pretensions, "public service" is an ego trip of the elite, writes columnist Thomas Sowell./B9

BUSINESS

► **'92 ENDS ON MIXED NOTE:** Industrial production continued to rise and a key inflation barometer fell to a 20-year low in December as the U.S. economy ended 1992 on a mixed note./B12

SPORTS

► **COACHING LEGEND DIES:** Hank Iba, the second-winningest coach in NCAA basketball history, died of heart failure early Friday in Stillwater, Okla. He was 88. Iba won 767 games and led Oklahoma State to two national championships./C1

HOME

► **SMALL BUT SUPER CROP:** The All-America Selections for 1993 are few but choice — and all of the flowers and vegetables grow well in Colorado./D1

LIFESTYLE

► **NO PLACE FOR GAYS:** In Eads, a Colorado prairie town near the Kansas border, there's little room for gays or gay rights./E1

Ouch!

Madonna was surely squirming in her seat during a New York vance screening for her latest film, "Body of Evidence." And was not because of the steamy love scenes. The audience cackled whenever she spoke her wooden lines, hooted when the film was trying to be serious and booed the film's conclusion. There was some applause, however — when Willem Dafoe's screen wife upslaps the material girl.

Late Night with Carve

Lorne Michaels, creator of "Saturday Night Live" and producer of the hit movie "Wayne's World," has been tapped to come up with a comedy hour to fill David Letterman's late-night slot on NBC. NBC Entertainment President Warren Littlefield, who announced Michaels' selection Thursday in Santa Monica, Calif., said Dana Carvey, the "SNL" comic and "Wayne's World" costar, may be host of the program. Letterman leaves NBC for CBS in June.

Nothing can stop him

Steven Seagal has fought off terrorists, killers and other bad guys on screen, so don't expect



Skiing Antarctica

Two women from Colorado were part of the Women's Trans-Antarctica Expedition across the continent to the South Pole. Anne Dal Vera of Fort Collins, San Diego and team leader Anne reached the South Pole on Thursday.

LOCAL FORECAST

Today: Sunshine and some clouds; a mild afternoon. High 47.
Tonight: Mostly cloudy; chance freezing drizzle. Low 25.
Sunday: Cloudy and colder; flurries or snow possible. High 37, low 15.

STATISTICS

AIR QUALITY (3 p.m. FRI. JAN. 15)				
GOOD	ACCEPTABLE	POOR		
0	25	50	75	100
100	150	200		

OZONE - 26				
CARBON MONOXIDE - 42				

24-HOUR

Time	Temp.	Wind	Humid.
Thursday			
6 p.m.	31	N	6
7 p.m.	27	N	6
8 p.m.	25	NE	5
9 p.m.	28	N	7
10 p.m.	34	N	12
11 p.m.	34	N	12
Friday			
Midn.	33	N	12
1 a.m.	31	N	10
2 a.m.	32	N	10
3 a.m.	31	N	13
4 a.m.	31	N	12
5 a.m.	31	N	12
6 a.m.	31	NE	9
7 a.m.	31	N	12
8 a.m.	28	N	8
9 a.m.	39	N	3
10 a.m.	43	0	39
11 a.m.	46	SE	6
Noon	45	SE	10
1 p.m.	43	SE	10
2 p.m.	43	SE	10
3 p.m.	44	SE	9
4 p.m.	43	SE	6
5 p.m.	38	0	54

PRECIPITATION				
24 hours to 5 p.m. yesterday	0.00"			
Total for month to date	0.20"			
Normal for month to date	0.15"			
Total this year to date	0.20"			
Normal for year to date	0.15"			
Snow today	0.0"			
Snow season to date	18.3"			

HIGH/LOW (as of 5 p.m.)

High Yesterday	46°
Low Yesterday	28°

SUN

Sunrise today	7:15
Sunset today	5:02
Sunrise tomorrow	7:15

City	Yest.	Today	Sun.	Mon.
Akron	38 11pc	50 23pc	37 10c	39 8c
Alamosa	26 1pc	31 18c	32 15sn	40 17sf
Aspen	40 11sf	29 17c	31 15sn	28 15sf
Denver	51 16pc	48 24pc	36 12c	36 12sf
Durango	33 20c	36 22c	37 20sn	41 19sh
Eagle	40 18c	33 17c	35 16sn	32 17sf
Fort Collins	50 13pc	48 22pc	34 10c	35 9sf
Grand Junction	37 28sn	40 26c	42 26sn	41 25sh
Gunnison	31 12c	26 9c	27 10sn	26 10sf
La Junta	50 8s	52 24pc	39 14c	32 17c
Leadville	26 2sf	32 4pc	20 13c	15 16sf
Limon	47 13s	50 23pc	36 12c	37 11c
Pueblo	51 8s	51 21pc	38 12sf	29 14c
Rifle	42 16c	35 23c	39 22sn	37 22sf
Trinidad	54 22s	50 20pc	38 11c	30 11c

WEATHER



NATION

City	Yest.	Today	Sun.	Mon.
Albany, NY	31 22 sn	34 20 c	35 21 sf	29 9 c
Albuquerque, NM	51 29 pc	51 31 c	51 30 sh	51 30 sh
Amarillo, TX	39 24 c	52 27 pc	49 22 c	32 25 c
Anchorage, AK	27 20 s	36 20 sn	32 24 c	30 20 sn
Asheville, NC	47 28 pc	46 29 sn	52 24 c	42 21 c
Atlanta, GA	49 37 pc	49 36 sh	57 32 pc	44 29 pc
Atlanta, GA	41 33 c	41 24 c	44 28 pc	36 18 pc
Austin, TX	63 46 c	64 44 pc	63 37 c	54 47 c
Baltimore, MD	42 34 c	42 28 c	46 29 pc	36 22 pc
Bangor, ME	22 12 sn	31 15 pc	31 17 c	31 2 c
Billings, MT	35 8 s	29 9 c	24 15 sf	32 20 pc
Birmingham, AL	49 36 sh	55 35 c	58 30 c	44 32 pc
Bismarck, ND	6 20 s	20 1 c	12 3 sf	21 5 pc
Boise, ID	30 22 sf	39 24 c	39 22 sf	34 25 sn
Boston, MA	34 23 sn	34 27 c	38 25 c	32 13 pc
Brownsville, TX	59 54 r	77 53 pc	76 53 c	69 57 c
Buffalo, NY	32 22 sn	35 26 sf	35 17 sf	17 11 sf
Burlington, VT	27 12 sn	29 22 c	33 13 sf	24 2 sf
Casper, WY	38 31 pc	39 11 c	30 16 c	34 17 c
Cedar City, UT	45 33 c	45 30 r	44 30 sn	42 23 sh
Charleston, SC	58 42 c	48 35 r	58 36 pc	53 33 pc
Charlotte, WV	39 30 c	41 29 sf	45 25 sf	24 18 c
Charlotte, NC	48 33 pc	48 35 r	55 31 c	47 28 pc
Cheyenne, WY	40 30 pc	44 17 pc	30 7 sn	34 5 sf
Chicago, IL	24 21 sn	33 23 c	30 15 pc	25 14 pc
Cincinnati, OH	32 27 sf	39 28 pc	39 20 sf	24 19 pc
Cleveland, OH	30 25 sf	36 27 sf	35 19 sf	21 16 sf
Columbus, OH	31 28 sn	35 27 sf	37 19 sf	24 16 c
Concord, NH	26 18 sn	32 12 c	34 19 c	30 8 c
Dallas, TX	51 44 c	56 38 pc	57 33 c	47 40 c
Davenport, IA	25 13 sn	32 19 c	28 11 pc	25 16 pc
Des Moines, IA	22 7 sf	35 17 c	27 13 pc	25 15 pc
Detroit, MI	31 25 sn	34 25 c	32 20 sf	22 17 c
Duluth, MN	16 9 sn	23 1 sf	12 7 c	13 2 c
El Paso, TX	58 38 pc	60 40 c	63 42 sh	62 44 sh
Fairbanks, AK	25 10 sn	10 2 sn	19 5 c	22 8 c
Fargo, ND	2 15 pc	20 2 c	9 0 c	13 3 pc
Flagstaff, AZ	38 30 c	42 31 sn	43 31 sn	39 27 sn
Grand Is., NE	25 2 c	39 14 c	28 12 c	33 13 c
Great Falls, MT	36 1 s	22 3 c	23 21 sf	36 21 pc
Hartford, CT	32 24 sn	36 21 c	37 20 c	34 11 pc
Hilo, HI	74 60 pc	79 64 sh	77 64 sh	81 64 sh
Honolulu, HI	77 65 pc	80 66 pc	78 66 pc	80 64 pc
Houston, TX	60 44 c	62 44 pc	66 39 c	58 45 c
Indianapolis, IN	30 24 sn	37 25 sf	34 17 sf	25 19 c

LEGEND: s-sun
sh-showers, t-th
flurries, sn-sno

City	Yest.	Today	Sun.	Mon.
Jackson, MS	51 29 pc	51 31 c	51 30 sh	51 30 sh
Jacksonville, FL	61 31 pc	61 31 c	61 30 sh	61 30 sh
Kansas City, KS	40 11sf	29 17c	31 15sn	28 15sf
Las Vegas, NV	51 16pc	48 24pc	36 12c	36 12sf
Little Rock, AR	40 18c	33 17c	35 16sn	32 17sf
Los Angeles, CA	50 13pc	48 22pc	34 10c	35 9sf
Louisville, KY	37 28sn	40 26c	42 26sn	41 25sh
Marquette, MI	31 12c	26 9c	27 10sn	26 10sf
Memphis, TN	48 36sh	55 35c	58 30c	44 32pc
Miami, FL	81 31pc	81 31c	81 30sh	81 30sh
Milwaukee, WI	26 1sf	32 4pc	20 13c	15 16sf
Minneapolis, MN	16 9sn	23 1sf	12 7c	13 2c
Mobile, AL	47 28pc	48 35r	55 31c	47 28pc
Nashville, TN	40 30pc	44 17pc	30 7sn	34 5sf
New Orleans, LA	51 16pc	48 24pc	36 12c	36 12sf
New York, NY	50 13pc	48 22pc	34 10c	35 9sf
Norfolk, VA	51 16pc	48 24pc	36 12c	36 12sf
North Platte, NE	39 30c	41 29sf	45 25sf	24 18c
Oklahoma City	48 33pc	48 35r	55 31c	47 28pc
Omaha, NE	40 30pc	44 17pc	30 7sn	34 5sf
Orlando, FL	61 31pc	61 31c	61 30sh	61 30sh
Philadelphia, PA	40 30pc	44 17pc	30 7sn	34 5sf
Phoenix, AZ	61 31pc	61 31c	61 30sh	61 30sh
Pittsburgh, PA	40 30pc	44 17pc	30 7sn	34 5sf
Portland, OR	40 30pc	44 17pc	30 7sn	34 5sf
Providence, RI	40 30pc	44 17pc	30 7sn	34 5sf
Rapid City, SD	26 1sf	32 4pc	20 13c	15 16sf
Reno, NV	51 16pc	48 24pc	36 12c	36 12sf
Richmond, VA	51 16pc	48 24pc	36 12c	36 12sf
Roswell, NM	61 31pc	61 31c	61 30sh	61 30sh
St. Louis, MO	33 17c	35 16sn	32 17sf	32 17sf
Sacramento, CA	50 13pc	48 22pc	34 10c	35 9sf
Salt Lake City, UT	37 28sn	40 26c	42 26sn	41 25sh
San Antonio, TX	31 12c	26 9c	27 10sn	26 10sf
San Diego, CA	62 44sh	63 42sh	62 44sh	62 44sh
San Francisco, CA	50 13pc	48 22pc	34 10c	35 9sf
San Jose, CA	61 31pc	61 31c	61 30sh	61 30sh
Santa Fe, NM	44 17pc	44 17pc	30 7sn	34 5sf
Seattle, WA	53 33pc	53 33c	53 30sh	53 30sh
Shreveport, LA	58 45c	58 45c	58 45c	58 45c

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UPDATE

Emotions run high as Denver judge announces ruling

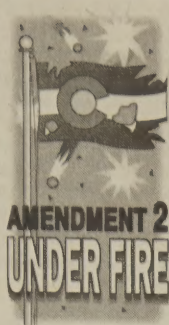
By Jeff Thomas/Gazette Telegraph
DENVER — Technically, it didn't mean much. Symbolically, it carried a wallop.

All sides knew the decision by Denver District Judge Jeff Bayless would have no effect on whether Amendment 2 ultimately stands or falls. Opponents had simply asked the judge for a temporary injunction to put the law on hold until a constitutional challenge could be decided.

Those closest to the fight conducted their business as usual and took the long view of things.

"We're not paying too much attention to this injunction," said Terry Schleder, spokeswoman for Boycott Colorado. "Injunction or no injunction, Amendment 2 has scarred Colorado for a long time."

Will Perkins, chairman of Colorado for Family



Values, which put Amendment 2 on the November ballot, spent the day selling cars at his Colorado Springs dealership. His secretary told reporters that Perkins wouldn't have anything to say until after the judge's ruling.

But in Courtroom 1 of Denver District Court emotions were running higher.

The doors opened at 3:45 and nearly 100 people filled the benches. Among them was Kevin Tebedo, a family values leader. A subpoena had forced him to sit through three days of testimony. He stayed voluntarily on Friday because, as he put it, "Being here is part of what it's all about."

In the end the big news was delivered in exasperating detail. Bayless spelled out every step of his reasoning, and after 20 minutes, heads began to bow and people began to shift in their seats. Most had no idea where the judge was going.

But about 40 minutes into his statement Bayless hit on the question of the day — whether a case could ultimately be made against the constitutionality of Amendment 2. If the judge found that it could, an injunction could be issued.

"Do the plaintiffs have a reasonable probability of success, given all this?" the judge asked himself.

"Yes."

Before it could all sink in, Bayless pounded his gavel and the gallery lapsed into cheers and hugs. A few people wiped tears from their cheeks. Tebedo girded himself for the reporters.

The questions poured in and Tebedo was poised, repeating the same answers over and over: "The judge has done something that's fair... This nation has always taken its civil rights seriously and slowly... This is not a setback, this is an opportunity for the courts to take a close look at the whole issue of homosexuality."

In Colorado Springs, Perkins showed little expression as the judge rambled on for 45 minutes, jokingly asking a reporter to wake him when the verdict came down. But when he heard it there was no humor in his response.

"I think the majority of people in Colorado should consider this a slap in the face but not a setback," Perkins said. "We are convinced this

law is constitutional. The injunction hasn't changed that at all."

The organized voice of the gay community tried to keep the ruling in perspective. Their reaction was measured.

"We are very encouraged," said Tony Ogden, acting director of Equality Colorado, a group founded to "Undo 2." But, he said, "this ruling is not definitive of the outcome of this case."

Schleder at Boycott Colorado welcomed the ruling but called it a "Band-Aid."

In the courthouse halls, though, the anti-Amendment 2 crowd was jubilant.

"I'm ecstatic," said Dave Caldwell of Denver, who got up early to witness the decision before reporting to his graveyard-shift job. He came to the courthouse expecting to lose. "I had thought I'd get back home and get some sleep, but I don't think I'll be able to sleep now."

Some hailed the judge's decision as the first steps toward gay equality.

Said Louise Easty: "I'm going to walk down the street and safely say that I'm a lesbian."

Amendment 2/

From A1

Amendment 2 opponents had said the measure violates the Fourteenth Amendment to the U.S. Constitution, which provides for equal protection under the law. Bayless said the plaintiff's argument that Amendment 2 would infringe on their fundamental rights has merit. But he warned that the granting of the injunction should not be taken as a signal that the amendment will be overturned.

Nevertheless, attorneys involved in the case and others said the state will have a tough time meeting the legal standards outlined by Bayless, who also will hear the constitutional lawsuit. In effect Bayless said that for the amendment to stand, the state must show that it has "compelling interest" in placing Amendment 2 into the Colorado Constitution.

State Attorney Tim Tymkovich said the Bayless ruling "puts the government role in a difficult position" because the state must show "what legitimate government purpose and need" Amendment 2 will carry out.

Gene Nichol, dean of the law school at the University of Colorado at Boulder, said the judge's ruling indicates a strong possibility that Amendment 2 could be struck down in a trial. He said the state has to justify why it singled out homosexuals as a group that shouldn't have certain legal remedies to resolve discrimination complaints.

He said that means "unless there's a compelling state interest to justify the distinctions drawn in Amendment 2, that it should be ruled unconstitutional. I think it's important to note, that test is almost never met," he said. "And so, the likelihood that the (opponents) will eventually win on the merits, as well, is very high."

But Will Perkins, chairman of Colorado for Family Values, was optimistic about the eventual outcome. "The people of Colorado did the right thing when they passed Amendment 2 and when this is all over I think it will stay."

The judge's ruling brought cheers from the crowd watching the proceeding through the monitors of TV news cameras outside the courtroom. Richard Evans, a gay man who is the lead plaintiff in the lawsuit, said he "felt like we won round one."

"This has been the most incredible week in my life," Evans said. "It's taken a judge to say

"He (Bayless) defined the way he will look at the lawsuit, and protected the rights of a very unpopular minority. It is a great day for the state of civil rights in Colorado."

lead plaintiff lawyer
Greg Eurich

that gays and bisexuals do face tremendous discrimination, something I've known for a long time."

Greg Eurich, one of the lawyers who sought the injunction, called Bayless' ruling a "an incredibly brave decision."

"He defined the way he will look at the lawsuit, and he protected the rights of a very unpopular minority. It is a great day for the state of civil rights in Colorado."

Kevin Tebedo, executive director of Colorado for Family Values, said the ruling was "not a setback."

"The judge made a very good point that nobody in Colorado wants a bad law. This is an opportunity for the courts to go through the checks and balances... and make sure they are doing the right thing. I hope this tells other groups out there to don't give up. The fight is still going on."

The four days of testimony at the hearing produced contrasting viewpoints about the impact of Amendment 2 and the motives for its passage.

Some of the homosexuals challenging the law testified that if the measure was permitted to take effect, they would fear more for their personal safety and job security than ever before.

In appealing for the preliminary injunction, plaintiff's attorney Jean Dubofsky said between 175,000 and 455,000 gays, lesbians and bisexuals in Colorado would be relegated to second-class citizenship. The law would restrict homosexuals from participating in the political process and would deny them freedom



Judge Jeff Bayless leaves the courthouse in Denver under police escort Friday evening after ordering a temporary injunction preventing Amendment 2 from taking effect.

Smiley N. Pool/Gazette Telegraph



Ground Zero member Lee Anne Roberts, foreground, reacts to the granting of the injunction to stave off Amendment 2. With Roberts are, from left, Bruce Loeffler, Kris Bushman and Cindy Bee at the organization's office on North Tejon Street.

Tom Kimmell/Gazette Telegraph

of expression under the First Amendment to the U.S. Constitution, she said.

"Amendment 2 will embody in this state's basic charter the right to discriminate," she said.

But the state attorney general's office argued that giving homosexuals protections would dilute existing civil rights laws. The vote was the will of the people and it was not intended to discriminate against gays, lesbians and homosexuals, they said.

Bayless said the amendment was legally put on the ballot and legally adopted. But that doesn't mean that it will meet the constitutional test.

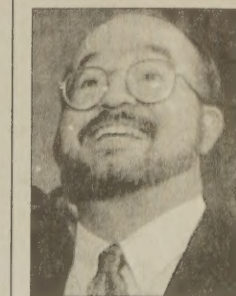
The people of Colorado may change the state's constitution, but the law says the change must not be "repugnant to the Constitution of the United States," he said.

The Associated Press contributed to this report.

"Unless there's a compelling state interest to justify the distinctions drawn in Amendment 2, that it should be ruled unconstitutional. I think it's important to note, that test is almost never met."

CU-Boulder law dean
Gene Nichol

MORE REACTION



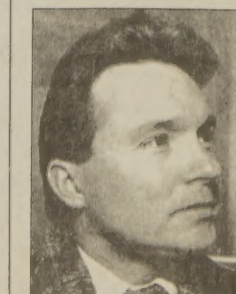
Evans

"This is the most incredible week of my life. For the judge to suggest that the expansion of civil rights and a skewed sense of morality is not a basis for denying rights to gays and lesbians — I've been waiting to hear that all of my life."

— Richard Evans, lead plaintiff in the case

"He (the judge) said the people of Colorado don't hate homosexuals. He said it was a good faith effort on the voters' part to do what they thought (was right)."

— State Attorney Tim Tymkovich



Tebedo

"The judge made a very good (point) that nobody in Colorado wants a bad law on the books. This is an opportunity for the courts to check and balance and make sure it is doing the right thing."

— Kevin Tebedo, leader of Colorado for Family Values

"It's precedent-setting. Civil rights law hasn't been used in history to exclude someone from protection. The eyes of the nation are watching, and I think it's uncomfortable for Colorado and particularly uncomfortable for Colorado Springs."

— Bruce Loeffler, Ground Zero spokesman

"It is my hope that we will be able to bring people together. We all live in one state, and we need to respect the rights of all people."

— Denver Mayor Wellington Webb, whose city is a plaintiff in the case

Hearing in Denver only first step in what could be years of litigation on amendment

Gazette Telegraph

The weeklong hearing to stop Amendment 2 from becoming law was only the first act in what's likely to be years of litigation. On Friday, Denver District Court Judge Jeff Bayless put Amendment 2 on hold, pending the outcome of a lawsuit challenging the constitutionality of the measure. Gov. Roy Romer and Attorney General Gale Norton said they would appeal the ruling to the state Supreme Court.

After that's settled, the focus will move to the full-blown lawsuit, which attacks Amendment 2 on several points.

Bayless, who also will hear the constitutional case, stressed his ruling Friday does not address the merits of that lawsuit. It was filed by eight homosexuals, a heterosexual with AIDS and Denver, Aspen and Boulder — the three Colorado cities whose gay rights laws would have been overturned by Amendment 2.

Among other things, the lawsuit argues that Amendment 2 violates the constitutional rights of homosexuals by encouraging discrimination against gays and denying them access to legal remedies.

The state argues that Amendment 2 doesn't encourage or authorize discrimination. Neither the U.S. Supreme Court nor Congress has recognized homosexuals as a class that deserves special protections, the state says.

A court date for the lawsuit has not been scheduled, though there's speculation it could be heard this summer. The final outcome could be years away. Both sides have indicated they would push the appeal process as far as it can go — to the U.S. Supreme Court if possible.

CHRONOLOGY

■ **May 12:** Colorado for Family Values, a Colorado Springs-based group, succeeds in getting an anti-gay rights amendment on the November ballot.

■ **Nov. 3:** Colorado voters approve Amendment 2 with 53 percent of the vote. In El Paso County the measure passes by 66 percent.

■ **Nov. 4:** Protests against the amendment's passage begin. A coalition of state and national leaders unveil plans for a constitutional challenge. Talk of a boycott begins when a Los Angeles group, Coloradans & Californians for Fairness in the Nation, asks artists, entertainers and tourists to stay away from Colorado.

■ **Nov. 12:** A lawsuit is filed challenging the amendment's constitutionality. Plaintiffs include gays and lesbians and Denver, Boulder and Aspen, three Colorado cities that had prohibited discrimination based on sexual orientation.

■ **Nov. 18:** The debate over Amendment 2 attracts national attention when singer Barbra Streisand mentions it during an AIDS benefit.

■ **Nov. 17:** Atlanta approves a resolution that bans spending city funds for travel to Colorado.

■ **Nov. 23:** The group Boycott Colorado forms in Denver.

■ **Nov. 30:** The National Education Association cancels a 1993 convention planned in Colorado Springs. The Women's Sports Foundation drops the city from a list of five possible sites for its headquarters.

■ **Dec. 2:** Denver Mayor Wellington Webb urges the national television audience of the "Arsenio Hall Show" not to boycott Denver or Colorado.

■ **Dec. 3:** The nation's mayors announce they will reconsider holding their annual convention in Colorado Springs in 1993.

■ **Dec. 8:** New York City Mayor David Dinkins recommends a travel boycott of Colorado.

■ **Dec. 10:** Critics form Ground Zero in an attempt to shift the budding nationwide boycott of Colorado to Colorado Springs.

■ **Dec. 16:** Los Angeles becomes the sixth major city to officially condemn Colorado and bans official travel to the state.

■ **Dec. 17:** Colorado Springs Mayor Robert Isaac appeals to the U.S. Conference of Mayors not to shift its annual convention from Colorado Springs, but the group decides to choose another city.

■ **Jan. 4:** BACK OFF Colorado Committee is formed by a Colorado Springs resident to target cities, groups and celebrities who endorse the boycott of Colorado.

■ **Jan. 9:** Hispanic Journalists vote to move their convention out of Denver.

■ **Jan. 10:** Eighty-five organizations form a coalition to repeal Colorado's English Only and anti-gay rights protection laws.

■ **Jan. 11:** Opening arguments begin in Denver District Court on an injunction to halt the amendment from becoming law until the November lawsuit is settled. And U.S. Rep. Pat Schroeder, D-Colo., announces she has introduced a bill in Congress that would amend the 1964 Civil Rights Bill to prohibit discrimination against homosexuals.

■ **Jan. 14:** Judge Jeff Bayless imposes a temporary restraining order preventing Gov. Roy Romer from signing Amendment 2 into law.

■ **Jan. 15:** Bayless grants a temporary injunction order preventing the amendment from becoming law until the courts decide on whether the measure is constitutional.

INSIDE WASHINGTON

Taped diary excerpts give glimpse into Bush anxiety over unfolding scandal

By Pete Yost/Associated Press

George Bush expressed misgivings about trading arms for hostages in 1986 Iran-Contra diary excerpts released Friday by the White House, but mused that "enough good things" might result to offset his concerns.

The diaries also show that Bush was immediately worried that his future bid for the White House might be "damaged" by the Iran-Contra scandal. But he called initial reports of his involvement "crazy information."

Bush has said that it "never became clear to me" there was an arms-for-hostages swap until he was given a briefing in December 1986, nearly a month after news reports alleged such transactions took place.

Excerpts from his taped diary show he spoke liberally about the arms-for-hostages portion of the scandal beginning in November 1986.

"But though I don't like the concept of arms-for-hostages, there is enough removal on this and enough good things, such as the release of the hostages, and contact with moderates, will in the long run in my view offset this," Bush dictated in a Nov. 10, 1986 entry.

It was not clear whether Bush was speaking from his own knowledge of the workings of the Reagan administration, or reacting to widespread news reports.

On Nov. 5, 1986, Bush dictated: "On the news at this time is the question of the hostages. I'm one of the few people that know fully the details, and there is a lot of flack and misinformation out there."

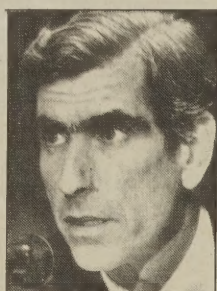
Bush described the mood of key Reagan administration officials as the affair unfolded, and noted at one point that Secretary of George Shultz "worries about a Watergate syndrome."

The White House, meanwhile, disclosed Friday that it had found Bush's diaries in a safe last fall — more than a month before Election Day — but waited until Dec. 11 to disclose their existence to Iran-Contra investigators seeking them since 1987.

Bush's lawyer, former Attorney General Griffin Bell, wrote in a 14-page report this month that the decision to delay disclosure of their existence was made "unilaterally" by White House Counsel C. Boyden Gray. But Bell insisted it was "unlikely that anyone had a motive to cover (them) up."

The Bush diaries, which were started the day after the Iran-Contra affair was first exposed Nov. 3, 1986, reveal a vice president concerned about the growing scandal's impact on his presidential aspirations. "Everyone says that the vice president has no power, and yet I am the one damaged," Bush said.

IRAN-CONTRA



Gray: Taking rap for disclosure delay.

TRANSITION

Nominee 'crossed line,' Gingrich says: House Republican Whip Newt Gingrich said Friday that President-elect Bill Clinton should withdraw Zoe Baird's nomination for attorney general if she broke the law in employing illegal aliens.

"Clearly she has crossed the line," Gingrich, R-Ga., said. "You can't have a person who ought to be prosecuted serving in the Cabinet."

Joining Gingrich's call was Rep. Lamar Smith, R-Texas.

Gingrich delivered the harshest criticism of Baird yet from Congress since disclosure this week that she and her husband employed an undocumented Peruvian pair as sitter and driver.

Members of the Senate Judiciary Committee have said they doubted the disclosure would derail her confirmation to head the Justice Department.

WHITE HOUSE

Copies of electronic records ordered: A federal appeals panel said Friday that the Bush administration could begin erasing White House and National Security computer files as long as it preserved identical electronic copies of the information it was destroying.

The ruling upheld the spirit of two court orders issued in the last eight days by U.S. District Court Judge Charles R. Richey, while partly modifying them.

Administration officials and groups that have fought for the preservation of records praised the decision. The officials said it would permit the government to purge information they say threatens to overload the computer systems.

Appeals court sides with Postal Service: A federal appeals court sided with the U.S. Postal Service against President Bush on Friday in a yearlong dispute over stamp prices.

The decision stops Bush's attempt to fire members of the Postal Service's Board of Governors over the dispute.

The three-judge panel of the U.S. Circuit Court of Appeals effectively rejected the administration's request to lift a lower court judge's injunction prohibiting Bush from the firings.

Instead, the judges granted the Postal Service's motion to challenge before them the independent Postal Rate Commission's proposal for a discount 27-cent stamp for bar-coded mail.

ALSO . . .

■ New ethics rules that Bill Clinton has imposed on top members of his administration won't apply to holdover officials from the Bush administration, Clinton communications director George Stephanopoulos announced Friday. Most of the 4,000 political appointment slots that Clinton will get to fill are still held by Bush appointees and many will remain on the job for some time. Meanwhile, the White House demanded resignation of hundreds of senior Bush appointees partly in hopes the Clinton team will be swamped.

■ Bill Clinton will declare Arkansas — not Washington — as his legal home while living in the White House, a decision that could save him thousands in income taxes, officials say.

QUOTABLE

"Firing the football coach and ending smoking in all public buildings."

Health Secretary-designate Donna Shalala

She was known for those two things as chancellor at the University of Wisconsin's flagship campus, Shalala told the Senate Labor Committee Friday. She pledged to campaign against smoking and press early on for more Head Start and children's immunization funding.

Gazette Telegraph news services

FOREIGN RELATIONS

U.S. orders naval barricade around Haiti

Measure condemned by refugee advocates

Associated Press

MIAMI — The United States ordered an unprecedented naval barricade Friday around Haiti to block a feared exodus of refugees, saying it was necessary to prevent a "massive loss of life at sea."

Twenty-two U.S. Coast Guard and Navy ships, along with a dozen aircraft, will ring the Haitian coast outside its 12-mile territorial limit and patrol the 600-mile escape route to Florida, said Adm. J. William Kime.

The Coast Guard commandant said he launched Operation Able Manner after consulting the Bush and incoming Clinton administrations.

"We hope our efforts . . . will greatly deter the numbers who will venture out in what is inherently a very unsafe effort," Kime said.

Coast Guard intelligence has spotted 200 boats under construction in Haiti, and more than 1,400 already in the water could be used in a massive boatlift, Kime said.

About 900 Haitians already have been

stopped this year, and Kime said a worst-case scenario would send 100,000 to 200,000 refugees toward Florida.

But recent broadcasts by ousted Haitian President Jean-Bertrand Aristide and President-elect Bill Clinton asking Haitians to stay home and help democratize the country should keep many potential immigrants at home, he said.

The U.S. ships will stop rickety, overcrowded sailboats and small freighters that have sailed thousands of Haitians to Florida — or sometimes to their deaths, he said, citing the recent reported sinking of a freighter off Cuba with 400 people aboard. Normal shipping will be allowed through.

"This is not a blockade," Kime said. "The concern we have is for the potential massive loss of life at sea."

Haitian refugee advocates quickly condemned the plan, saying 3,000 of those forcibly returned so far have been executed by the military government. They noted no immigration officials will be on the U.S. boats to consider political asylum claims.

"They cannot put up a blockade at sea and say they are concerned for the lives of the people when they are not giving safety and security inside the country," said Ro-

"Why a blockade for Haiti and none for Cuba?"

Haitian Refugee Center director
Rolande Dorancy

lande Dorancy, head of the Haitian Refugee Center in Miami.

Dorancy said if the United States is serious about saving lives, it also should intercept Cuban rafters who cross the Florida Straits.

"Why a blockade for Haiti and none for Cuba?" she asked.

Harold Koh of Yale Law School called it a "floating Berlin Wall around Haiti."

President-elect Bill Clinton had promised during his campaign to reverse a Bush administration policy of forcibly returning Haitians who try to flee by sea to the United States. But on Thursday, six days before he takes office, Clinton said in his first foreign policy initiative he would temporarily continue the policy to avoid a "humanitarian tragedy."

Associated Press



Refugee Coordinator Dennis Hawkins of the U.S. consulate counts Haitian boat people as they line up on a Port-au-Prince dock. The 110 refugees had put to sea earlier in the week.

Haitian refugees say Clinton betrayed them

Associated Press

CA IRA, Haiti — Haitians along the boat-lined beach said Friday that President-elect Bill Clinton had betrayed them by breaking his promise of better treatment for Haiti's refugees.

"If I could write Bill Clinton a letter, I would tell him, 'You're a lying son of a gun,'" said Jean Sera.

Sera sat in the shadows of one of five boats being hammered together on this stretch of shoreline 25 miles southwest of Haiti's capital, Port-au-Prince. Three of the boats were nearly finished.

Clinton said Thursday that for now, he would continue President Bush's policy of quickly returning boat people to Haiti. On Friday, the Coast Guard said it was mounting a major operation of up to 22 ships and 12 planes to head off a feared new exodus.

A Haitian military official expressed surprise at the plan, calling it excessive.

"I would never think that the U.S. would tremble or the president would be trembling because of some little Haitians," he said by phone from army headquarters.

He spoke on condition of anonymity. Haitian officers rarely comment publicly.

He said the United States was exaggerating the potential for a flood of refugees. U.S. officials say more than 1,000 boats line the Haitian coast, ready to carry refugees to sea. But the officer said most are fishing or freight boats.

Refugee officials here said Clinton's decision may limit but not halt the flow of boat people toward the United States, and called it a violation of international norms.

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